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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,104	04/28/2005	Yong Kwee	053466-0401	5920
22428 7590 12/04/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
SANG, HONG				
ART UNIT		PAPER NUMBER		
1643				
MAIL DATE		DELIVERY MODE		
12/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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10533104	4/28/2005	KWEE ET AL.	053466-0401

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EXAMINER

HONG SANG

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1643	20081201

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Commissioner for Patents

The reply filed 10/23/2008 is not fully responsive to the communication mailed 4/24/2008 for the reasons set forth below.

In the reply filed on 10/23/2003, claims 1, 3, 12, and 23 have been amended. New claims 24-31 have been added. The pending claims (the amended claims 1, 3, 12 and 23 and new claims 24-31) are drawn to a method for treating cancer comprising administering to a patient an antigen-specific dendritic cell pulsed by an HM1.24 protein or HM1.24 peptide.

The pending claims are directed to inventions that are independent or distinct from the invention originally claimed, which is drawn to a product, i.e. a cancer vaccine comprising as an active ingredient an antibody specific dendritic cell pulsed by an HM1.24 protein or HM1.24 peptide. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, the pending claims are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Even though Applicants did not receive a Restriction/Election Requirement by default formerly pending claims 1, 3, 12 and 24 were the elected group and any other invention not reading on this originally presented group is deemed a non-elected invention.

2. Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication should be directed to Examiner Hong Sang, Art Unit 1643, whose telephone number is (571)272-8145.

/Hong Sang/  
Examiner, Art Unit 1643  
12/1/08